

EXPRESS MAIL LABEL NO. EL 792628266 US

#2IDS
2/23/02/BW

PATENT
Attorney Docket No. 16904-760

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

) PATENT APPLICATION

Inventor(s): Edward W. Knowlton

)

Application No.: To Be Assigned 10/026,870

)

) Art Unit: Unknown

Filed: Herewith 12/20/2001

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) Examiner: Not Yet Assigned

Title: Tissue Remodeling Apparatus Containing Cooling Fluid

)

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JC858 U.S. PTO
10/026870
12/20/01

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, can be found in priority application no.: 09/337,015 filed, June 30, 1999. Additional references have also been attached herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

C.F.R. 1.98(d):

A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified and relied upon for an earlier filing date under 35 U.S. C. 120.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

X This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- X (1) It is being filed within 3 months of the application filing date
-- OR --
— (2) It is being filed within 3 months of entry of a national stage
-- OR --
X (3) It is being filed before the mail date of the first Office Action on the merits.

— 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

— a certification as specified in §1.97(e) is provided below; or

— a fee of \$240.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

— 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

X **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$ 0 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 16904-760)

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Date: 12/20/01

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